

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

K&M INTERNATIONAL, INC.,	)	CASE NO. 1:13CV771
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE GREG WHITE
	)	
NDY TOY, L.L.C., et al.,	)	
	)	
Defendants.	)	<b>REPORT &amp; RECOMMENDATION</b>
	)	

On December 8, 2014, this matter was referred pursuant to Local Rule 72.1 for a Report & Recommendation on Plaintiff K&M International, Inc.'s Motion for Sanctions.<sup>1</sup> (Doc. No.

---

<sup>1</sup>On the same date, Plaintiff's Motions for Leave to File Second Amended Complaint and for Sanctions (Doc. Nos. 59, 60) and Defendants' Motion under Rule 37(c)(1) to Bar Plaintiff's Evidence on Damages (Doc. No. 72) were referred for a Report and Recommendation. In addition, the following motions were referred for resolution: (1) Plaintiff's Motion to Re-Designate Inspection Photographs as Confidential (Doc. No. 63); (2) Defendants' Motion to Strike Plaintiff's Reply in Support of its Motion for Sanctions (Doc. No. 108); and, (3) Defendants' Motion for Oral Argument on Plaintiff's Motions to File Second Amended Complaint and for Sanctions (Doc. No. 109). On February 6, 2015, the Court issued a Report & Recommendation that Plaintiff's Motion for Leave to File Second Amended Complaint be granted. (Doc. No. 131.) Defendants' Motion for Oral Argument on that motion (Doc. No. 109) was denied. *Id.* On February 9, 2015, the Court granted Plaintiff's Motion to Re-Designate Inspection Photographs as "Confidential" and denied Defendants' Motion to Strike Plaintiff's Reply in Support of its Motion for Sanctions. (Doc. Nos. 132, 133.) Finally, on February 11, 2015, the Court issued a Report & Recommendation that Defendants' Motion to Bar Plaintiff's Evidence on Damages be denied. (Doc. No. 134.) Objections were filed to both Reports &

60.)

It is recommended that Plaintiff's Motion for Sanctions (Doc. No. 60) be denied without prejudice, and that Plaintiff be permitted to re-file its Motion after the District Court rules on the pending Objections to the Reports and Recommendations and Orders previously issued in this matter. It is further recommended that Defendants' Motion for Oral Argument on Plaintiff's Motion for Sanctions (Doc. No. 109) also be denied without prejudice.

/s/ Greg White  
U.S. MAGISTRATE JUDGE

Date: June 18, 2015

#### **OBJECTIONS**

**Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).**

---

Recommendations, as well as to this Court's Opinion & Order on Plaintiff's Motion to Re- Designate. (Doc. Nos. 138, 140, 142.)